

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TREADWAYS LLC	:	CIVIL ACTION
v.	:	
THE TRAVELERS INDEMNITY CO.,	:	
TRAVELERS PROPERTY CAS. CO.	:	
OF AMERICA, and THE CHARTER	:	
OAK FIRE INS. CO.	:	NO. 08-4751

ORDER

AND NOW, this 4th day of May, 2011, upon consideration of plaintiff's motion for summary judgment (Doc. No. 39), defendants' motion for summary judgment (Doc. No. 40), and all documents submitted by the parties relating thereto, and for the reasons stated in the accompanying Memorandum, it is hereby

ORDERED

1. Plaintiff's Motion for Summary Judgment (Doc. No. 39) is **DENIED**.
2. Defendants' Motion for Summary Judgment (Doc. No. 40) is **DENIED IN PART** and **GRANTED IN PART**.
3. Defendants' Motion for Summary Judgment is **GRANTED** with respect to Count I of the Amended Complaint and Judgment is hereby entered in favor of defendants and against plaintiff on Count I of the Amended Complaint. Defendants' Motion for Summary Judgment is **DENIED** with respect to Count II of the Amended Complaint.

4. Judgment is entered in favor of defendant Charter Oak Fire Insurance Company on all counts and defendant Charter Oak Fire Insurance Company is **DISMISSED** from this action.

BY THE COURT:

/s/ Thomas J. Rueter
THOMAS J. RUETER
Chief United States Magistrate Judge